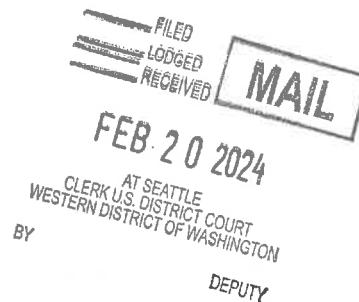


Pro Per

**IN THE UNITED STATES DISTRICT COURT****IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

Eric Freeze, )  
                     ) 2:23-cv-01135-JLR  
                     Plaintiff, )  
                     )  
                     vs. )  
                     ELIZABETH E. GALLAGHER, JOSE T. )  
                     ACUNA, ANN G. FREEZE REVOCABLE )  
                     TRUST, and the RONALD L. FREEZE )  
                     REVOCABLE TRUST,                      Defendants ) 7022 0410 0000 8231 5690  
                     )  
                     )  
                     )  
                     )

Pursuant to 28 U.S.C. §455(a) requires recusal of a judge in any proceeding in which his/her impartiality may be questioned. *Liteky v. United States*, 510 U.S. 540 (1994) 28 U.S.C. §455(a) requires recusal of a judge in any proceeding in which his impartiality may be questioned. *Hurles v. Ryan*, 752 F.3d 768 (9th Cir. 2011) As a matter of due process, a judge who fails the “appearance of impartiality” test may not sit as the judge in the case.

Under 29 CFR § 2200.68 (b) and (c), I, as pro per plaintiff Eric Freeze, hereby formally request the recusal of James L. Robart from the above-mentioned case.

Plaintiff asserts that there is a conflict of interest and potential bias in your hearing this case, as you are anticipated to be called as a witness to testify regarding certain alleged crimes committed within the confines of your courtroom. This would violate the principles set out in Canon 3(C) of

*Pro Per*

1 the Code of Conduct for United States Judges, which mandates the disqualification of a Federal  
2 judge under circumstances where their impartiality might reasonably be questioned.

3 Plaintiff makes this request promptly upon the discovery of the alleged facts which I  
4 believe constitute grounds for recusal. As stipulated in 29 CFR § 2200.68 (b) Mandatory recusal.  
5 A Judge shall recuse themselves under circumstances that would require disqualification of a Federal  
6 judge under Canon 3(C) of the Code of Conduct for United States Judges...

7 As stipulated in 29 CFR § 2200.68 (c), Request for recusal. Any party may request that the  
8 Judge, at any time following the Judge's designation and before the filing of a decision, be recused  
9 under paragraph (a) or (b) of this section or both by filing with the Judge, promptly upon the  
10 discovery of the alleged facts, an affidavit setting forth in detail the matters alleged to constitute  
11 grounds for recusal. Plaintiff hereby attaches an affidavit detailing the matters alleged to constitute  
12 grounds for your recusal.

13 In the interest of preserving the sanctity of the judicial process, and in order to ensure a fair  
14 and impartial trial for Plaintiff I believe **your recusal in this matter is both necessary and in**  
15 **accordance with the law.**

16 Dated: February 15, 2024

17 Respectfully submitted,

19  
20   
Eric Freeze  
21 P. O. Box 12  
22 Concrete, WA [98237]  
360 202 6178  
23 ericfreeze87@gmail.com  
Plaintiff in *pro per*

## **AFFIDAVIT FOR RECUSAL**

I, Eric Freeze, being of legal age, sound mind, and competent to make this affidavit, do hereby state the following:

### **1. IDENTIFICATION**

I am a party in the case of CASE NO. 2:23-cv-01135-JLR, which is currently pending before Judge James L. Robart in the United States District Court for the Western District of Washington.

### **2. AFFIDAVIT PURPOSE**

This affidavit is submitted pursuant to 28 U.S.C. § 455, a federal law providing for the recusal of a judge, wherein it is stated that a judge of the United States must disqualify himself or herself in any proceeding in which his or her impartiality might reasonably be questioned.

### **3. IMPARTIALITY**

I believe that Judge James L. Robart's impartiality, in this case, may reasonably be questioned due to the following reasons:

#### **3.1 Personal Bias or Prejudice**

Evidence suggests that Judge Robart has a personal bias or prejudice concerning Plaintiff in a case involving Plaintiff.

- a. Judge Robart presided and ruled over federal case 22-cv-1844-JLR in which Defendant's attorney committed a crime. Plaintiff objected to Defendant's attorney ERIK PEDERSEN's presence and authority in these cases because his appointer was not lawfully authorized to appoint ERIK PEDERSEN. ERIK PEDERSEN did not have a valid appointment on file with the Skagit County Auditor. ERIK PEDERSEN was masquerading as an appointee and submitted perjured statements to this court of his authority without valid evidence. The repeated Judge Robart's favor in rulings such as a direct rule prohibiting Pro per Plaintiff to amend complaint (contrary to U.S. Supreme Court decision, *Haines v. Kerner*, 404 U.S. at 521, and The Court in 12 F.3d 1105 highlighted that a district court errs when it prematurely dismisses a case under Sec. 1915(d) without giving the pro se plaintiff an opportunity to amend), and dismissed the case for the defendants shows undeniable bias and prejudice.

#### **3.2 Personal Knowledge**

Judge Robart has personal knowledge of disputed evidentiary facts concerning the proceedings in which evidence has been referenced and now introduced as mandatory judicial notice.

#### **3.3 Potential Witness**

Potential witness will be subpoenaed as a witness in a proceeding of crime upon this court wherein the defendants are the same Defendants that want him to rule in their favor for a motion to dismiss.

#### 4. RELIEF REQUESTED

Based on the foregoing, I respectfully request that Judge James L. Robart recuse himself from any further proceedings in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of February, 2024



Eric Freeze  
P. O. Box 12  
Concrete, WA [98237]  
360 202 6178  
Plaintiff in *pro per*

#### \*\*NOTARY ACKNOWLEDGEMENT\*\*

STATE OF Washington,

County Of Skagit,

On this day, personally appeared before me, Eric Freeze, to me known to be the individual described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

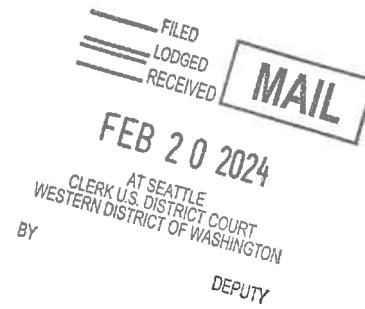
Given under my hand and official seal this 15 day of February, 2024



Notary Public

My Commission Expires: 09/23/2025





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5 **IN THE UNITED STATES DISTRICT COURT**  
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**IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

8 Eric S. Freeze, )  
9 Plaintiff, ) Case No. 2 : 23-CV-01135-JRL  
10 vs. )  
11 ELIZABETH E. GALLAGHER, JOSE T. ) DECLARATION OF SERVICE  
12 ACUNA, ANN G. FREEZE REVOCABLE )  
TRUST, and the RONALD L. FREEZE )  
REVOCABLE TRUST, JAMES MASSINGALE )  
AND ANGELA MASSINGALE, )  
Defendants )  
15 )  
16 )  
17 DECLARATION OF SERVICE  
18 )  
19 )  
20 I, Derrill Fussell declare as follows;  
21 I am over the age of 18 years and competent to provide this declaration.  
22 On or about the 15<sup>th</sup> day of February 2024, I caused to be served via USPS Certified Mail-  
7022041000082315577, at or about 3.00 at a USPS Post office, Skagit County WA a  
true and correct copy of the Plaintiff's MOTION TO RECUSE and this Declaration of Service  
for this Case No. 2 : 23-CV-01135-JLR, to the following;  
24  
25

1 Name: Paul W. Taylor  
2 20388 Eric St.  
3 Mount Vernon WA 98274

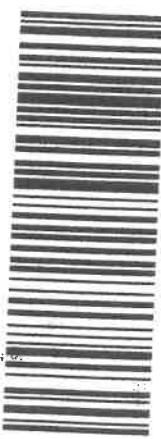
4 I declare under penalty of perjury that the foregoing is true and correct.

5  
6 Signed on 15<sup>th</sup> day February 2024  
7  
8

9 Signature  
10  
11

12  
13  
14 Derrill Fussell  
15 929 E College Way  
16 Mount Vernon, WA, [98273]  
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Concrete WA 98237

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WESTERN DISTRICT OF WASHINGTON

BY DEPUTY

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